



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Cooper Dunham LLP  
85 Avenue of the Americas  
New York, NY 10036

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
021,338 ✓	12/12/2001	Elena Feinstein	65542/JPW/MS

2M. 6.17.02  
3M. 7.17.02  
4M. 8.17.02  
5M. 9.17.02  
6M. 10.17.02  
7M. 11.17.02

AP

CONFIRMATION NO. 6136

FORMALITIES LETTER



\*OC000000007883467\*

Date Mailed: 04/17/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

APR 2 2002

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov r patin3help@uspto.gov

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*A copy of this notice MUST be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



MIT#  
Docket No. 2094/65542/JPW/FHB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Elena Feinstein et al.  
Serial No. : 10/021,338  
Filed : December 12, 2001  
For : GENES INVOLVED IN STROKE RESPONSE AND/OR  
REGULATED BY FK506, PROTEINS ENCODED THEREBY,  
AND METHODS OF USE

1185 Avenue of the Americas  
New York, New York 10036  
June 3, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

COMMUNICATION IN RESPONSE TO APRIL 17, 2002 NOTICE TO FILE  
MISSING PARTS OF NONPROVISIONAL APPLICATION FILING DATE GRANTED

This Communication is submitted in response to the April 17, 2002 Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the April 17, 2002 Notice to File Missing Parts of Nonprovisional Application is due June 17, 2002. Therefore, this Response is being timely filed.

The PTO did not receive the following  
listed item(s) Figure # 130

Applicants: Elena Feinstein et al.  
Serial No.: 10/021,338  
Filed : December 12, 2001  
Page : 2

The Notice to File Missing Parts of Nonprovisional Application, a copy of which is attached hereto as **Exhibit A**, indicates that the oath or declaration is unsigned. In response, applicants submit as **Exhibit B** a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

The Notice to File Missing Parts of Application indicates that the Application does not contain a statement that the content of the Sequence Listing information recorded in computer readable format is identical to the written Sequence Listing. In response applicants submit as **Exhibit C** a Statement in accordance with 37 C.F.R. §1.821(f).

The Notice to File Missing Parts of Application indicates that a copy of the Sequence Listing in computer readable format has not been submitted as required by 37 C.F.R. §1.821(e). In response applicants submit as **Exhibit D** a computer readable format Sequence Listing, and a paper copy as **Exhibit E**.

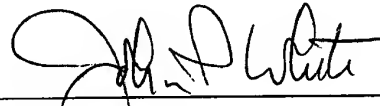
The computer readable format Sequence Listing and paper copy Sequence Listing contain no new matter as required by §37 C.F.R. 1.821 and §37 C.F.R. 1.825.

Applicants: Elena Feinstein et al.  
Serial No.: 10/021,338  
Filed : December 12, 2001  
Page : 3

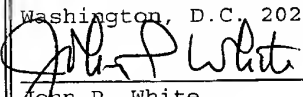
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone the number provided below.

No fee, other than the enclosed fee of \$130.00, is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231	
	6/3/02
John P. White Reg. No. 28,678	Date



#4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Elena Feinstein et al.  
U.S. Serial No. : 10/021338  
Field : 12/12/2001  
For : GENES INVOLVED IN STROKE RESPONSE AND/OR REGULATED BY  
FK506, PROTEINS ENCODED THEREBY, AND METHODS OF USE  
1185 Avenue of the Americas  
New York, New York 10036  
Date:

June 3, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231


Sir:

**STATEMENT IN ACCORDANCE WITH 37 C.F.R. Section 1.821(F)**

In accordance with 37 C.F.R. Section 1.821(f), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. Section 1.821(e) and submitted in connection with the above-identified application, has the same information as "Sequence Listing" in pages 1 - 46 attached hereto as Exhibit E.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

  
\_\_\_\_\_  
Sylvia Kaye

c/o Cooper & Dunham LLP  
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